

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

---

MAURICE L. WARD, *Living Survivor of*  
(*C.S.I.*),

Civil No. 14-4946 (JRT/TNL)

Petitioner,

**ORDER**

v.

MICHELLE SMITH, *Warden of Stillwater*,

Respondent.

---

Maurice L. Ward, #233135, MCF-Stillwater, 970 Picket Street, Bayport,  
MN 55003, *pro se* petitioner.

Matthew Frank, Marcy Crain, James Early, **MINNESOTA ATTORNEY**  
**GENERAL'S OFFICE**, 445 Minnesota Street, Suite 1800, St Paul, MN  
55101-2134, for respondent.

Based upon the Report and Recommendation by United States Magistrate Judge  
Tony N. Leung dated January 29, 2016 (Docket No. 47), along with all the files and  
records, and no objections to said Recommendation having been filed, **IT IS HEREBY**  
**ORDERED** that:

1. Petitioner's Petition Under 28 U.S.C. 2254 for Writ of Habeas Corpus by a  
Person Under State Custody (Docket No. 1) is **DENIED**.
2. Petitioner's Request for an Evidentiary Hearing with His Suggestions in  
Support (Docket No. 11) is **DENIED**.

3. Petitioner's Motion Pursuant to Rule 4 to Dismiss Respondent's Untimely Answer (Docket No. 31) is **DENIED AS MOOT**.

4. Petitioner's Pursuant to Rule 5d Motion for Production (Docket No. 39) is **DENIED**.

5. This action is **DISMISSED WITH PREJUDICE**.

6. Petitioner should **NOT** be granted a Certificate of Appealability.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: February 17, 2016  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District Court